



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,601	01/20/2000	Evgeniy M. Getsin	IACTP016	6034

22242 7590 10/20/2004

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

SHELTON, BRIAN K

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,601

Applicant(s)

GETSIN ET AL.

Examiner

Brian Shelton

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/03/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Applicants' Amendment filed 9 September 2004 (hereinafter "Amendment B").

Response to Arguments

2. Applicant's arguments, see Amendment B, filed 9/9/2004, with respect to the rejection(s) of claim(s) 1-15 under Peterson in view of Kinney have been fully considered and are persuasive as to Applicants' contention that Peterson in view of Kinney fails to disclose using an identifier in order to start simultaneous playback on a plurality of client apparatuses (see Amendment B at page 8). Therefore, the Final rejection in the previous Office Action has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Peterson in view of Faris, as described in detail below:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson, U.S. Patent No. 5,825,876 (of record) in view of Faris et al. (Faris), U.S. Patent Publication No. US 2002/0026321 A1.

Regarding **claims 1, 6 and 11**, Peterson discloses a method, corresponding computer program and corresponding system for identifying a plurality of events which are played back on a plurality of networked client apparatuses (col. 2, lines 26-41), comprising

- (a) providing a plurality of events stored in memory (medium **10**) on a plurality of client apparatuses (controller **14**; see col. 2, lines 46-54 disclosing system methodology including multiple consumers, comprising multiple events and client apparatuses), the events each having a unique identifier associated therewith and stored in memory (identifier **24**; see col. 5, lines 30-35), wherein the client apparatuses are adapted to be coupled to a host computer (authorization center **16**) via a network (PTSN **18**; see col. 8, lines 13-16);
- (b) ascertaining the identifier of the event stored in memory of the client apparatuses utilizing the network (col. 8, lines 18-27, disclosing transmission of identifier **24** to server **60** and return of authorization granted message comprising identifier **24** of secured content **28**);
- (c) comparing the identifier with an identifier of a scheduled event (col. 8, lines 23-26; col. 8, lines 41-47 describing the scheduled (premier) event time and date; see col. 8, line 66 - col. 9, line 5

describing comparison of content **28** associated with identifier **24** to authorization list **56**); and

- (d) beginning playback of the event on each of the client apparatuses if the comparison renders a match (col. 9, lines 18-21; see col. 2, lines 54-58, disclosing playback on or after premier event time).

Although Peterson discloses the period for playback beginning simultaneously (e.g., common premier time), Peterson fails to specifically disclose beginning playback of the event simultaneously.

However, Faris, in an analogous art, teaches simultaneously beginning the playback of an event, where an event may comprise stored audio-video content and the execution of programs, on a plurality of client devices in response to trigger data transmitted to the client devices from a server (paragraph 137, describing purpose of GSU unit **175** in conjunction with client device **160** (see Figs. **1** and **2C**) to perform actions in response to precise time conditions; paragraph 138, describing triggers to synchronize execution of audio-video content and programming content on client devices, where triggers to execute content on a client device inherently discloses a comparison of an identifier; see paragraph 142, suggesting application to any task where precise triggering of timed events is required) for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson to

incorporate beginning the playback of the event simultaneously, as taught by Faris, for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices in a method for playing back events.

Claims 2, 7, and 12 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses the event including a video and audio presentation (col. 2, lines 46-50).

Claims 3, 8, and 13 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses the event including a movie (col. 2, lines 46-50).

Claims 4, 9, and 14 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses a wide area network (PTSN 18, col. 8, lines 12-17).

Claims 5, 10, and 15 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses the memory including a digital video disk (col. 5, lines 24-27).

Art Unit: 2611

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Art Unit: 2611

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Shelton whose telephone number is (703) 305-8714. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

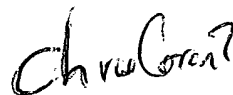
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Shelton
Examiner
Art Unit 2611

BS



CHRIS GRANT
PRIMARY EXAMINER